

JUL 10 2008

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

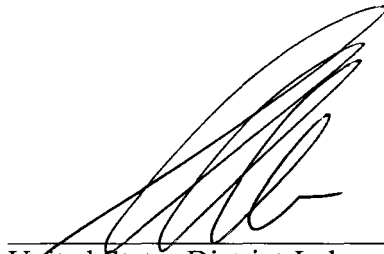
GARFIELD WILLIAM HOLLEY,	)	
Plaintiff,	)	Civil Action No. 7:08cv00404
	)	
v.	)	<u>MEMORANDUM OPINION</u>
	)	
MAJOR TAYLOR, <u>et al.</u> ,	)	By: Samuel G. Wilson
Defendants.	)	United States District Judge

Plaintiff Garfield William Holley, a Virginia prisoner proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. However, this court has dismissed at least three of Holley's previous complaints on the grounds that they were frivolous, malicious, or failed to state a claim.<sup>1</sup> Therefore, Holley may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

As Holley has neither prepaid the filing fee nor demonstrated that he is "under imminent danger of serious physical injury," the court dismisses his complaint without prejudice and denies his motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g).<sup>2</sup>

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the plaintiff.

ENTER: This 10th day of July, 2008.

  
\_\_\_\_\_  
United States District Judge

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<sup>1</sup> See Holley v. Baker, et al., Civil Action No. 7:98cv00406 (W.D. Va. Sept. 16, 1998); Holley v. Baker, et al., Civil Action No. 7:00cv00634 (W.D. Va. Aug. 15, 2000); Holley v. Farmer, et al., Civil Action No. 7:01cv00610 (W.D. Va. Oct. 13, 2001); Holley v. Farmer, et al., Civil Action No. 7:01cv00672 (W.D. Va. Sept. 4, 2001). Moreover, the United States Court of Appeals for the Fourth Circuit has recognized Holley's three-striker status. See Holley v. Counts, No. 05-7480 (4th Cir. 2006).

<sup>2</sup> The court has previously notified Holley that he may not file civil actions in this court unless he either pays the filing fee or demonstrates that he is under imminent danger of serious physical injury. Therefore, the court will not give Holley additional time to pay the filing fee or amend his complaint.